

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Scott Roman Parizek,)
)
Plaintiff,) **ORDER**
)
vs.)
)
Ward County,) Case No. 1:18-cv-110
)
Defendant.)

On January 22, 2021, the Court issued an order dismissing the above-captioned action without prejudice for lack of prosecution by Plaintiff. (Doc. No. 52). In so doing, it found that an appeal would be frivolous, could not be taken in good faith, and may not be taken in forma pauperis. (Id.). The Clerk's office entered judgment on January 25, 2021. (Doc. No. 53).

The Court received a letter from Plaintiff dated July 16, 2023. (Doc. No. 73). In the top right-hand corner of the letter he had written "mottion [sic] to refile." In the body of hte letter, he ostensibly reasserted the claims contained in his original complaint and renewed his request for an award of damages.

Since the above-captioned action was dismissed without prejudice, Plaintiff is not foreclosed from refiling it. If Plaintiff wants to refile this action, he does not require the court's permission to do so. He will, however, have to submit a new a complaint. He will also have to pay the civil filing fee, which is \$402.00. See 28 U.S.C. § 1914(a). This amount includes the \$52 administrative filing fee set forth in 28 U.S.C. § 1914. If he lacks the resources to pay the civil filing fee, he can seek leave to proceed without prepayment of fees. If he requests and qualifies for leave to proceed without prepayments of fees and/or if he is incarcerated, his complaint will be subject to an initial

screening. See 28 U.S.C. §§ 1915A and 1915(e). The Clerk's office shall provide him with a PLRA packet.

IT IS SO ORDERED.

Dated this 21st day of July, 2023.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court